

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John H. Westerbeke                          Art Unit : 3747  
Serial No. : 09/862,973                                  Examiner : Unknown  
Filed : May 22, 2001  
Title : CONTROLLING EXHAUST TEMPERATURES

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed July 19, 2001 (copy enclosed), applicant as a small entity submits herewith the following:

- Check in payment of \$65 surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application;
- Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63; and
- Other: Transmittal of Formal Drawings.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

September 13, 2001

Date of Deposit

Amy Armitage

Signature

Amy V. Armitage

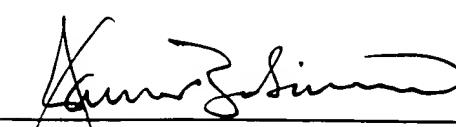
Typed or Printed Name of Person Signing Certificate

Applicant : John H. Westerbeke  
Serial No. : 09/862,973  
Filed : May 22, 2001  
Page : 2

Attorney Docket No.: 00637-025001

Respectfully submitted,

Date: September 12, 2001

  
\_\_\_\_\_  
James W. Babineau  
Reg. No. 42,276

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Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/862,973	05/22/2001	John H. Westerbeke JR.	00637-025001



JAMES W. BABINEAU  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804

**CONFIRMATION NO. 9803**  
**FORMALITIES LETTER**

\*OC000000006951012\*

Date Mailed: 10/22/2001

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 09/19/2001 to the Notice to File Missing Parts (Notice) mailed 07/19/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

*AN*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John H. Westerbeke  
Serial No. : 09/862,973  
Filed : May 22, 2001  
Title : CONTROLLING EXHAUST TEMPERATURES

Art Unit : 3747  
Examiner : Unknown

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE OF INCOMPLETE REPLY

In response to the Notice of Incomplete Reply (Nonprovisional) mailed October 22, 2001, Applicant submits herewith a copy of the Response to Notice to File Missing Parts of Application filed September 13, 2001, including six (6) sheets of formal drawings. The Substitute Drawings were received by the Patent and Trademark Office, as indicated on the enclosed copy of a postcard date-stamped September 19, 2001 by the Patent and Trademark Office, and enclosed copies of the other above-mentioned documents.

Because applicant properly filed the Substitute Drawings on September 13, 2001, it is not believed that any extension fee is due. However if the Patent and Trademark Office disagrees, please apply any charges or credits to Deposit Account No. 06-1050.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 29, 2001

Date of Deposit

Amy Armitage

Signature

Amy V. Armitage

Typed or Printed Name of Person Signing Certificate

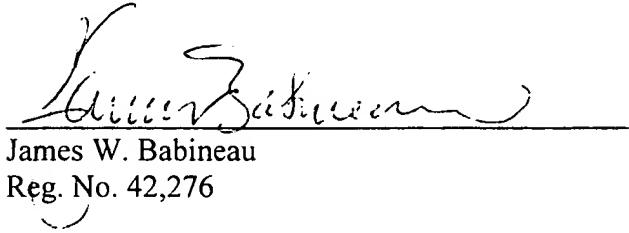
Applicant : John H. Westerby  
Serial No. : 09/862,973  
Filed : May 22, 2001  
Page : 2

Attorney's Docket No.: 00637-025001

Applicant submits that the Response was complete and timely filed and requests that the Notice be withdrawn.

Respectfully submitted,

Date: October 29, 2001

  
James W. Babineau  
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Applicant : John H. Westerbeke  
 Serial No. : 09/862,973  
 Filed : May 22, 2001

Art Unit : 3747  
 Examiner : Unknown  
 Batch No. : Unknown

Title : CONTROLLING EXHAUST TEMPERATURES

**Attention: Official Draftsman**  
 Commissioner for Patents  
 Washington, D.C. 20231

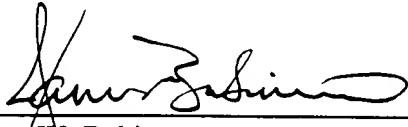
TRANSMITTAL OF FORMAL DRAWINGS

In response to the Notice to File Missing Parts mailed July 19, 2001, please substitute the enclosed six (6) sheets of formal drawings for the corresponding drawings presently in the application.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 12, 2001

  
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## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

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September 13, 2001

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Amy V. Armitage

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